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Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-08042-0562-145	Date: 7/1/11	Time: 0010 Hrs	
Location: [redacted] Continental Av.	City or Station: South El Monte 91733		
Bureau/Station/Facility: FOR-1 / Temple Station / Patrol	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant - Personal Weapons			
Deputy Injury : YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Alicia Ault	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☒

Involved Employee

E 1

Employee # [redacted]	Last Name: Mikesell	First Name: Steven	Middle Name: Frederick
Sex: ☒ Male ☐ Female	Race: W	Unit of Assignment: Temple Station	Work Assignment (Unit #, Module, etc.): 55
Shift: ☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted]	Height: 6'00 / Weight: 250 Lbs
☒ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

E__

Employee # N/A	Last Name	First Name	Middle Name
Sex: ☐ Male ☐ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #	Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Ruiz	Steven	Christopher	Sgt	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	O'Brien	Lynette	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Moreno	Abel	

Abel Moreno — Watch Commander (**Print Name**)
[signature] — Watch Commander's **Signature**: — Emp #: [redacted] — Date: 7/20/11

Steven Ruiz — Supervisor Completing Form: (**Print Name**)
Emp #: [redacted] — Copy Provided to Employee by: Yanhira Ruelas — Emp #: [redacted]

CHRISTOPHER R. NEE — Unit Commander (**Print Name**)
Christopher R. Nee — Unit Commander's **Signature**: — Emp #: [redacted] — Date: 11/7/11

DISCOVERY Use Only
FO# 2297912YR

2 - CD

SCANNED 11-29-11 CW

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 1 - 0 8 0 4 2 - 0 5 6 2 - 1 4 5

Suspect Information

S 1

Last Name: Jimenez | First Name: Ernesto | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 32 | Height: 5'10 | D.O.B. 11-29-78 | Weight: 185 | Armed? ☐

Booking #: 2794024 | Primary Charge Code: 69 P.C. | Secondary Charge Code: 12677 H&S | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO | Name: Captain Ortiz | Unit: LACO 90 | Phone #: 323-881-2411

Hospital Admission? ☒ | Rec'd Treatment At: LACO USC MED CTR | Coroner Case #: | Mental History ☐

By Doctor: Alissandra Conforto | Address: 1983 Morengo St, Los Angeles CA, 90033 | Phone #: 323-409-6711

Under Influence: ☒ YES ☐ NO | Substance: Alcohol | Mental Illness ☐

Suspect Interview

Date: 07-01-11 | Time: 0330 | ☐ Audiotape: | ☒ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO | Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO | Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
911-08042-0562-145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Sotomayor	Mayra	
[redacted]	Ayala	Eduardo	
[redacted]	Perez	Moises	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		51	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		19	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

☐ Additional Witness

Supervisor's Report on Use of Force

9 1 1 - 0 8 0 4 2 - 0 5 6 2 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Jimenez	S#1	Mikesell	E#1	UC/PH	NN	
Mikesell	E#1	Jimenez	S#1	PH	FR	FA

Supervisor's Report on Use of Force
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Force Applied

SIGNIFICANT - PERSONAL WEAPONS (FIST)

Incident Details

Deputy Steven Mikesell along with Deputies Moises Perez, Eduardo Ayala, and Mayra Sotomayor responded to a report of illegal fireworks. Their investigation led them to the detention of the suspect (Ernesto Jimenez) along with his [redacted] ([redacted]) and his [redacted].

Deputy Mikesell determined the suspect was in possession of illegal fireworks and had cited him. Deputy Mikesell was documenting and collecting his evidence when the suspect became angry and began to vent his anger at the deputies. Deputy Mikesell attempted to reason with the suspect and told him it was best if he went inside his home. The suspect was uncooperative. Deputy Mikesell told me he believed the suspect's behavior was influenced by the suspect's alcohol consumption.

For an unknown reason, Suspect Jimenez walked up to Deputies Sotomayor, Perez and Ayala and began to yell at them saying the deputies, "were not gods." The suspect closed to within striking distance. The suspect then threw his citation on the ground. The deputies did not react to the suspect at this time as they were guarding the confiscated fireworks. The suspect closed to within a few feet of Deputies Ayala, Sotomayor, Perez and Mikesell.

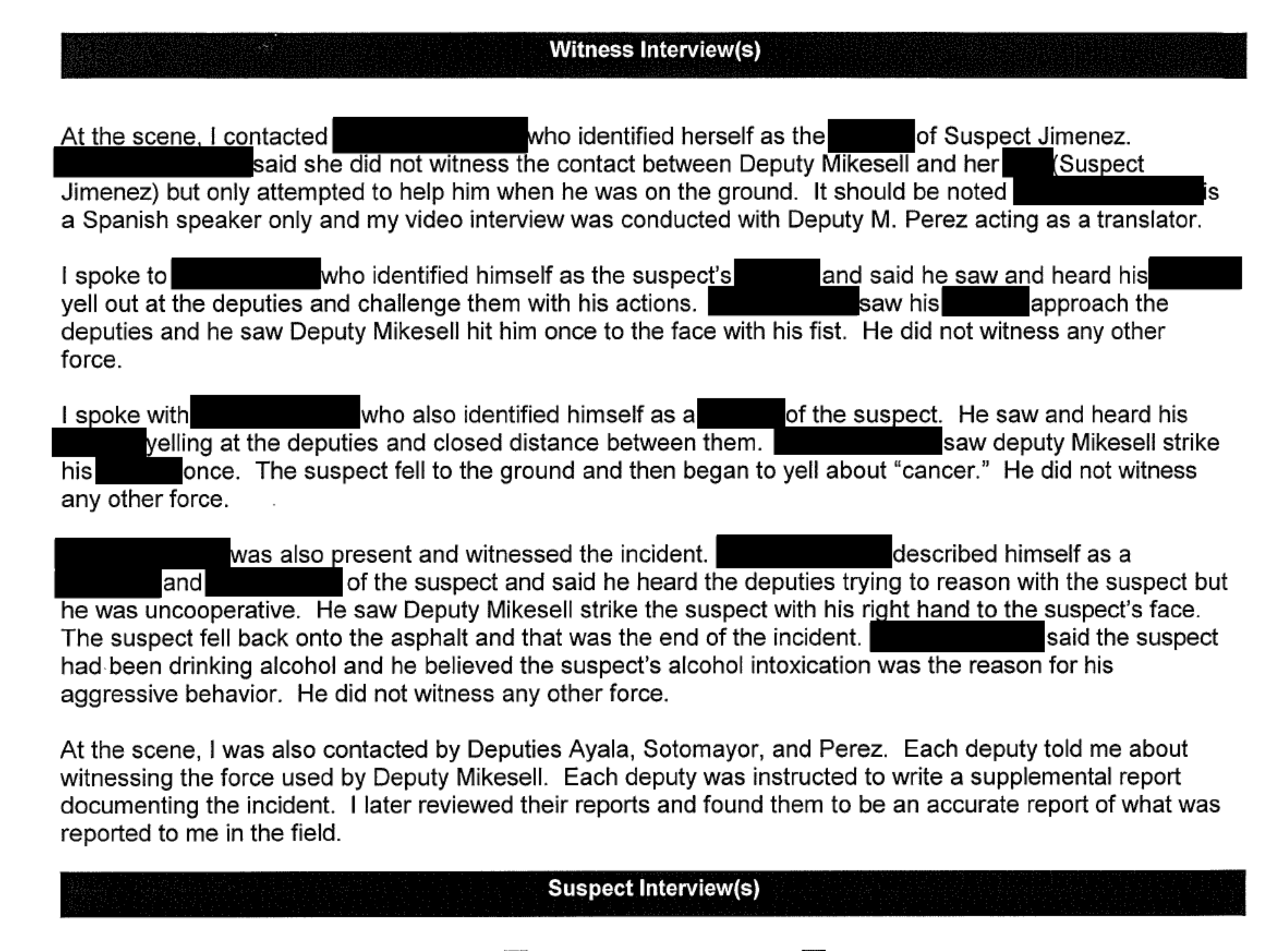
The suspect took a combative stance, made a fist of both his hands and began to stare at Deputy Sotomayor. Deputy Mikesell recognized the suspect's assaultive stance, demeanor and actions as indicators to an assault. Deputy Mikesell had to react quickly and responded to the suspect's personal weapons assault with one quick defensive strike with his right hand to the suspect's face.

This Departmentally taught and approved strike had an immediate effect as it knocked the suspect back and onto the asphalt driveway on his back. The suspect was then handcuffed. Deputy Mikesell saw his strike had caused the suspect to bled from his nose. There was no further incident.

Los Angeles County Fire Squad 90 was requested and provided first aid to the suspect's bleeding noise. The suspect was transported to Los Angeles County Medical Center (USC) via ambulance where he was treated for a face fracture. He was subsequently processed into the custody of Los Angeles County Medical Center (USC)'s Los Angeles County Sheriff Jail Ward. He was issued patient #[redacted].

Reported Use of Force by Involved Employee(s)

Deputy Mikesell immediately reported his force to me verbally in the field at the scene. I later reviewed his written incident report under the above file number and found it to be an accurate description as what he told me.



Witness Interview(s)

At the scene, I contacted [redacted] who identified herself as the [redacted] of Suspect Jimenez. [redacted] said she did not witness the contact between Deputy Mikesell and her [redacted] (Suspect Jimenez) but only attempted to help him when he was on the ground. It should be noted [redacted] is a Spanish speaker only and my video interview was conducted with Deputy M. Perez acting as a translator.

I spoke to [redacted] who identified himself as the suspect's [redacted] and said he saw and heard his [redacted] yell out at the deputies and challenge them with his actions. [redacted] saw his [redacted] approach the deputies and he saw Deputy Mikesell hit him once to the face with his fist. He did not witness any other force.

I spoke with [redacted] who also identified himself as a [redacted] of the suspect. He saw and heard his [redacted] yelling at the deputies and closed distance between them. [redacted] saw deputy Mikesell strike his [redacted] once. The suspect fell to the ground and then began to yell about "cancer." He did not witness any other force.

[redacted] was also present and witnessed the incident. [redacted] described himself as a [redacted] and [redacted] of the suspect and said he heard the deputies trying to reason with the suspect but he was uncooperative. He saw Deputy Mikesell strike the suspect with his right hand to the suspect's face. The suspect fell back onto the asphalt and that was the end of the incident. [redacted] said the suspect had been drinking alcohol and he believed the suspect's alcohol intoxication was the reason for his aggressive behavior. He did not witness any other force.

At the scene, I was also contacted by Deputies Ayala, Sotomayor, and Perez. Each deputy told me about witnessing the force used by Deputy Mikesell. Each deputy was instructed to write a supplemental report documenting the incident. I later reviewed their reports and found them to be an accurate report of what was reported to me in the field.

Suspect Interview(s)

Suspect Interview(s) Conducted By: ☒ **Watch Commander** ☒ **Supervising Sergeant**

In the field, I attempted to interview Suspect Jimenez but he was unresponsive to my questions.

EM Watch Commander Sergeant A. Moreno and myself drove to Los Angeles County Medical Center Emergency Room and spoke to Suspect Jimenez. Suspect Jimenez had no recollection to the events that led up to his being transported to the hospital. We asked Suspect Jimenez what his injuries were and he said he was uninjured. We asked Suspect Jimenez about the blood on his face and he told us that he takes a blood thinning drug for his cancer and bleeding is a side effect.

Medical Review

I spoke to supervising Dr. Allisandra Confroto regarding the suspect's condition. I told her about the incident and force used on him by Deputy Mikesell. She told me his injury was consistent with that of a person getting punched in the face.

Suspect Jimenez was admitted into the Medical Center Jail Ward for observation. Due to his admittance, injury documentation was not released to us.

Training & Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

Upon conclusion of the incident, I spoke to all deputies involved. All deputies agreed that although the suspect precipitated his assault, it was the quick action by Deputy Mikesell that resolved the incident with decisive and minimal force used. We also spoke about other options available and safety equipment. All deputies agreed to safety equipment use in lieu of a personal weapons would have been a better option, but the actions of the suspect evolved too quickly in this incident.

The force used by Deputy Mikesell in reaction to the suspects assault on deputy personnel was objectively reasonable, justified, properly reported and within department policy.

I recommend this matter closed and no further action.

Watch Commander's Review

I agree with Sergeant Ruiz' debriefing and assessment. Having reviewed Sergeant Ruiz' report, I agree with his findings and recommendation. The force used by Deputy Mikesell was necessary and objectively reasonable. Once Deputy Mikesell recognized Suspect Jimenez as an assaultive threat, he took action and neutralized the suspect. His action prevented the suspect from injuring the other deputies.

I also recommend no further action be taken in this matter.

Case Status

Suspect Jimenez has a pre-trial hearing set for December 8, 2011.